



STATE OF CONNECTICUT

DEPARTMENT OF MENTAL HEALTH
AND ADDICTION SERVICES
A HEALTHCARE SERVICE AGENCY

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GOVERNOR

PATRICIA A. REHMER, MSN
COMMISSIONER

Memorandum:

TO: Judiciary Committee

FROM: Patricia Rehmer, MSN
Commissioner

DATE: March 29, 2012

SUBJECT: Written testimony in support of Section 1 of H.B. 5555, **An Act Concerning Diversionary Programs. The purpose of Section 1 of this bill is to combine, for pretrial cases, the elements of the Pretrial Drug Education Program with the Community Service Labor Program.**

Senator Coleman, Representative Fox, and distinguished members of the Judiciary Committee, the Department of Mental Health and Addiction Services (DMHAS) is submitting testimony today in support of Section 1 of H.B. 5555, **An Act Concerning Diversionary Programs. The purpose of Section 1 of this bill is to combine, for pretrial cases, the elements of the Pretrial Drug Education Program with the Community Service Labor Program.**

The proposal before you is the result of collaboration between the Judicial Branch and DMHAS. Section 1 proposes a new program, the Pretrial Drug Education and Community Service Program, to combine two current programs, the Pretrial Drug Education Program (PDEP) administered by DMHAS and the pretrial portion of the Community Service Labor Program (CSLP) administered by the Court Support Services Division (CSSD) of the Judicial Branch. Modification of the current PDEP and CSLP statutes, 54-56i and 53a-39c respectively, is necessary to clarify the use of these diversion options and to implement a graduated and consistent response for multiple uses of the program.

The current programs, PDEP and CSLP, allow two opportunities for suspended prosecution and dismissal of charges for minor drug possession and paraphernalia possession. However, without a clear understanding of the exclusion criteria in the current PDEP statute, a defendant could inadvertently use the CSLP statute first and thereby become ineligible for PDEP and the second opportunity for dismissal of charges that would otherwise be available. The language in Section 1 subsection (b) is intended to prevent this mistake in the future. Section 1 subsection (b) also makes it possible for a second opportunity for dismissal of charges for a person who has used the current suspended prosecution options of PDEP or CSLP prior to the effective date of the new program.

The proposed program provides for a progressive response of drug education and substance abuse treatment and a progressive requirement for community service for arrest number one through arrest number three. It also retains the elements of PDEP that allow reinstatement to the program twice and referral for further substance abuse services following completion, when clinically indicated.

As with the programs that it replaces, the new program includes both a drug education component administered by DMHAS and a community service component administered by CSSD. The DMHAS drug education component is funded entirely by the court fees paid by defendants and deposited to the Pretrial Account established under section 54-56k. Without these fees this component could not be sustained. The substance abuse treatment component for defendants found indigent is also funded by court fees deposited to the Pretrial Account. Please note that currently about half of the defendants using these programs have all or a portion of the court fees waived by the court and the fee structure is designed to ensure that funding is sufficient for services to be provided to all defendants.

I would like to request three minor changes to the wording of Section 1 of this bill. The first change, on line 8, is to replace the word "intervention" with "education". This change will make the sentence consistent with the remainder of the bill which uses the word "education." The second change, on line 69 in subsection (d) (2), is to delete the words "evaluation and" from the sentence. Defendants using the program for the third time would already have had an evaluation by the substance abuse treatment provider as ordered in subsection (c).

The third change is for lines 21-24 in subsection (b) (2) regarding exclusion criteria. This portion of the sentence appears to refer to prior use of the current "pretrial drug education program" (PDEP) which would have to occur prior to the effective date of the new program, October 1, 2012. Therefore, the words "in effect on October 1, 2012" should be changed to "in effect prior to October 1, 2012".

Thank you for the opportunity to address the Committee on this important bill.